

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 10:00 a.m.
Friday, June 10, 2016
Mazatzal Hotel (Fireside Room)
Highway 87, Mile Marker 251
Payson, Arizona 85541

PRESENT: (Commission)

(Director's Staff)

Chairman Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons
Commissioner James S. Zieler
Commissioner Eric S. Sparks

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Casey Kreager	2016-0041	Count A:	Take mule deer in closed area
		Count B:	Possess unlawfully taken mule deer
Jason Rollinger	2016-0048	Count A:	Possess unlawfully taken javelina
		Count B:	Take javelina without a valid tag
James Ellis	2016-0049	Count A:	Possess unlawfully taken mule deer
Nicholas Cloyd	2016-0050	Count A:	Take mule deer in closed season
		Count B:	Possess unlawfully take mule deer
		Count C:	Waste edible game meat
		Count D:	Take mule deer without a valid tag
Conner Strahm	2016-0051	Count B:	Possess unlawfully taken mule deer
Terry Fulks	2016-0054	Count A:	Possess unlawfully taken elk
David Long	2016-0055	Count A:	Possess unlawfully taken elk
Brandon Pearce	2016-0056	Count A:	Take Gila monster in closed season
Andrew Cates	2016-0057	Count A:	Guide without a license
Daniel Cervantes	2016-0058	Count A:	Take mule deer in closed season

Roll call was taken and the following were present: Casey Kreager, Jason Rollinger, James Ellis, Nicholas Cloyd, Conner Strahm, Terry Fulks, Andrew Cates, and Brandon Pearce.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Related case: Wyatt Perry, Docket # 2015-0001; Heard by the Commission February 2015; License revoked for 5 years; \$8,000 shared civil assessment.

Casey L. Kreager
Docket # 2016-0041

Kreager was found guilty by the White Tanks Justice Court for Count A: Take wildlife in a closed area (mule deer); and Count B: Possess/transport unlawfully taken wildlife; and sentenced: Combined fine of \$400.00.

Kreager was present, but did not address the Commission.

Thomas Baker, attorney for Mr. Kreager, addressed the Commission on behalf of his client. Mr. Baker stated that the hunt area had always been open in the past and Mr. Kreager did not realize it had been closed. Mr. Kreager played an audio recording for the Commission of the judge stating that he didn't believe there was intent by Mr. Kreager to break the law. Mr. Baker provided photos of the area where Mr. Kreager was hunting and explained the confusion of Mr. Baker regarding his hunt location. Mr. Baker asked for leniency for Mr. Baker considering he was properly licensed and possessed a tag, and that being in a closed area by mistake was understandable considering the circumstances.

Commissioner Zieler noted in the case summary where it states "Kreager routinely provided false or misleading information to the investigating officer. Cell phone records also indicate that Kreager was tipped off about the search warrant and despite being urged to come forward by other people, he declined." This paints two different pictures in light of Mr. Baker's testimony.

Commissioner Zieler questioned Mr. Baker about the disposition of the antlers that were not located by the officers during the search warrant and have not been provided to the Department by Mr. Kreager.

Chairman Davis discussed with Mr. Baker how cooperative he believed it was for Mr. Kreager to not provide the antlers.

Case Officer Raspiller was present and stated that the deer was actually harvested on an active military range, approximately one mile from actual air to ground targets. Where they were glassing from was the former DOD land that is under the control of BLM and requires a permit to access. Regarding the sign on the side of the road, the sign was there and has been there for five years. That sign was not changed and more signs have now been added to the boundary. Also, from the top of the hill where the pictures were taken, you can see the targets that line the military boundary. These targets are not active, but they are on the military range.

Commissioner Zieler discussed several details of the case with Officer Raspiller and confirmed that that he did not recover the antlers, but that in photos of the deer, it appeared to be a 7x8 mule deer.

Public Comment

Jason Perry, friend and longtime hunter with Kreager, addressed the Commission and stated that Kreager would not ever knowingly hunt anywhere illegally.

Danny Richardson, longtime friend of Kreager, addressed the Commission and stated that Kreager is a quite type of person and a good person who should not lose his license.

Chairman Davis confirmed with Mr. Kreager and Mr. Baker that Mr. Kreager was choosing to not speak.

Motion: Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CASEY L. KREAGER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CASEY L. KREAGER TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY MULE DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chairman Davis discussed with Mr. Odenkirk the \$8,000 as a shared amount with the related case of Wyatt Perry, and whether the Commission should look at these cases again and decide who pays what part of the shared amount.

Mr. Odenkirk stated that the Commission's action has directed civil action against both individuals to recover \$8,000, so it is a shared concept, but the court will eventually decide how to split up the amount between the two individuals. Oftentimes in these cases, agreements are reached between the Department and the individuals regarding payment. During that process there can be an agreement as to how it is shared.

Vote: Unanimous

Director Voyles noted for Mr. Elms and the Case Officer that the antlers are contraband and continued possession those antlers by anyone would be possession of unlawfully taken wildlife, a criminal violation and revocable offense, so there is a continuing liability attached to possession of those antlers.

Mr. Odenkirk added that under A.R.S. § 17-314, in a civil action to recover damages, the same statute authorizes the action to include a claim for recovery of any wildlife parts.

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Jason Rollinger

Docket # 2016-0048

Rollinger was found guilty by the Williams Justice Court for Count A: Possess unlawfully taken wildlife (javelina); and Count B: Take wildlife without a tag; and sentenced: Combined Fine of \$810.00.

Rollinger was present and addressed the Commission stating that he maintained the entire time that it was self-defense. It was an unfortunate and horrible day. He never intended to take the life of the javelina. He has always considered himself to be a responsible and ethical hunter and outdoorsman and regrets having to come before the Commission. Lack of knowing what to do with the animal is why he took it. Mr. Rollinger asked the Commission for leniency and stated that he has already proactively taken the hunter education course.

Chairman Davis asked Mr. Rollinger about a text message he sent to his brother that said something like: "next step, slice'em and dice'em."

Mr. Rollinger stated that joking around is how he and his brother handles stress and that he didn't even know his friends were going to gut the javalina and cook it while he was sleeping.

Commissioner Zieler asked about the photo of Mr. Rollinger taken with the javelina and whether he had sent it to anyone other than his brother. Mr. Rollinger stated that he had not.

Commissioner Madden asked why he didn't contact the Department.

Mr. Rollinger stated that they were in a remote area and he knew he had five days to report the incident. His plan was to go the next morning to an area with good reception and call it in.

Case Officer Adams was present and addressed the Commission noting several mistruths he just heard in Mr. Rollinger's statements to the Commission compared to what he said during his interview with the officers.

Mr. Rollinger disputed the comments of Officer Adams.

Motion: Zieler moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JASON ROLLINGER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JASON ROLINGER TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Madden, Ammons, Zieler, Sparks
Nay - Davis
Passed 4 to 1

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The cases of James Ellis and Nicholas Cloyd are related.

James Ellis
Docket # 2016-0049

Ellis was found guilty by the Flagstaff Justice Court for Count A: Possess unlawfully taken mule deer (mule deer); and sentenced: Fined \$187.00.

Ellis was present and addressed the Commission stating that what he did was wrong, but that he cooperated fully with the officers.

Case Officer Adams was present and answered questions for the Commission. He stated Mr. Ellis was less culpable than Mr. Cloyd in this particular case. Also, the reason the officers were conducting targeted surveillance on the camp was based on numerous past accounts and reports of Mr. Ellis being a habitual lawbreaker when it comes to Game and Fish rules.

Motion: Sparks moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES ELLIS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JAMES ELLIS TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY MULE DEER; AND

FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chairman Davis asked for a friendly amendment to hold off on the civil assessment part of this motion until the Commission hears the related case of Nicholas Cloyd.

Amended Motion: Sparks moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES ELLIS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

Note: See motion regarding civil assessment following the vote to revoke the licenses of Nicholas Cloyd.

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The cases of James Ellis and Nicholas Cloyd are related.

Nicholas Cloyd
Docket # 2016-0050

Cloyd was found guilty by the Flagstaff Justice Court for Count A: Take mule deer in closed season; Count B: Possess unlawfully taken mule deer; Count C: Waste edible game meat; and Count D: Take mule deer without a valid tag; and sentenced: Fined \$3,395.00.

Cloyd was present and addressed the Commission stating that he made a mistake and he is sorry it happened.

Chairman Davis confirmed with Mr. Cloyd that he was the shooter in this case and that is why the Commission may have a conversation about how the civil assessment is shared.

Case Officer Apfel was present and stated that Mr. Ellis and Mr. Cloyd have put in for hunts together in the past and he has been watching Mr. Ellis for some time. Also, they were out hunting turkeys with a 257 Weatherby, which is not the ideal weapon of choice for hunting turkey.

Motion: Madden moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NICHOLAS CLOYD TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST NICHOLAS CLOYD AND JAMES ELLIS TO COLLECT THE SHARED AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY MULE DEER BUCK.

Vote: Unanimous

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Conner K. Strahm
Docket # 2016-0051

Strahm was found guilty by the Flagstaff Justice Court for Count A: Take wrong sex (mule deer); and Count B: Possess unlawfully taken wildlife; and sentenced: Fined \$1,034.00.

Strahm was present and addressed the Commission stating that he was with a group and acting stupid, and he knows what he did was wrong. He did think it was a spike and then realized it was a doe. He didn't call Game and Fish because he was scared. He took the meat because he thought it was the best he could do. He apologized for what he did and takes responsibility for his actions.

Case Officer Walton was present via video teleconference and answered questions for the Commission. Officer Walton stated that Mr. Strahm was honest when he questioned him.

Motion: Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CONNER K. STRAHM TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE

DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **CONNER K. STRAHM** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) MULE DEER DOE;** AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The cases of Terry Fulks and David Long are related.

Terry G. Fulks

Docket # 2016-0054

Fulks was found guilty by the Flagstaff Justice Court for Count A: Possess/transport unlawfully taken wildlife; and sentenced: Fined \$422.00.

Fulks was present and addressed the Commission stating that he was not a part of the camp that the Officers were surveilling. His camp was 100 yards away and he had met the group on a prior hunt. He went over to visit with them, but never hunted with them. The group came over and said they got an elk and would he help them get it with his trailer. It was dark and raining and he didn't notice the elk didn't have a tag on it until they got back to camp, and then they put a tag on it. He didn't know the elk was taken illegally.

Case Officer Wagner was present and stated that there were multiple instances that he observed Mr. Fulks going over to the camp where the elk was. The person who shot the elk was very forthcoming to him (as an undercover officer) about putting his wife's tag on the elk and he believes Mr. Fulks was very much aware. Additionally, Mr. Fulks had multiple opportunities to speak up when the group was interviewed by the Officer.

Chairman Davis confirmed with Officer Wagner that Mr. Fulks had his own camp, however, he was very neighborly, and he did not go hunting with the group.

Motion: Zieler moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **TERRY G. FULKS** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **ONE (1) YEAR;** THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Sparks requested a friendly amendment to suspending the license only until he takes the hunter education course.

Commissioners Zieler and Madden agreed to amend the motion.

Amended Motion: Zieler moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TERRY G. FULKS TO HUNT, FISH AND TRAP BE REVOKED IN THE STATE OF ARIZONA AS OF THE DATE OF THIS HEARING AND AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; AND THAT IT/THEY BE REVOKED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE, AND PROVIDES PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT/FISH IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Andrew D. Cates
Docket # 2016-0057

Cates was found guilty by the Santa Cruz County Justice Court for Count A: Guide without a license; and sentenced: Fined: \$126.00.

Cates was present and addressed the Commission apologizing for his actions and lack of knowledge at the time on regulations regarding guiding. He was present for this hearing to apologize and take responsibility for his actions. Further, he didn't realize that his fishing license was no longer valid. Immediately after being confronted by the officers, he went directly to the Department, took the exam, and bought his fishing guide license. After receiving the license, he decided he was in no position to act a guide fisherman based on his economic status and the responsibility it takes to take individuals on the water.

Case Officer Braun was present via video teleconference stating that Mr. Cates was cooperative and truthful when he contacted him.

Motion: Zieler moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ANDREW D. CATES TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT OR FISH IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING

OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye – Madden, Ammons, Zieler, Sparks
Nay - Davis
Passed 4 to 1

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The cases of Terry Fulks and David Long are related.

David A. Long
Docket # 2016-0055

Long was found guilty by the Flagstaff Justice Court for Count A: Possess unlawfully taken elk; and sentenced: Fined \$490.00.

Long was not present, but sent a letter, which was provided to the Commission prior to this hearing.

Case Officer Wagner was present and added that Mr. Long was a part of the camp and related to a member of the group.

Motion: Davis moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DAVID A. LONG TO HUNT, FISH AND TRAP BE REVOKED IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Davis, Madden, Ammons, Sparks
Nay - Zieler
Passed 4 to 1

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Brandon Pearce
Docket # 2016-0056

Pearce was found guilty by the Pima County Consolidated Justice Court for Count A: Take Gila monster (2) in closed season; and sentenced: Fined \$750.00.

Pearce was present and addressed the Commission stating that he didn't know Gila monsters were protected. He is from California and doesn't know all the laws. When he heard from a friend that it was illegal, he planned to return them to the wild.

Commissioner Zieler questioned Mr. Long and learned that he has a current fishing license and that he has been a resident of Arizona for about 15 years.

Commissioner Sparks questioned Mr. Long about where he found them, how he kept them and what he fed them. Mr. Long didn't think about contacting the Department when he learned it was illegal. He was going to release them as soon as he got the opportunity.

Case Officer McClard was present via video teleconference and stated that Mr. Long's statements were true and he was very cooperative during the investigation.

Motion: Zieler moved and Madden seconded THAT THE CURRENT LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRANDON PEARCE TO HUNT, FISH AND TRAP BE REVOKED IN THE STATE OF ARIZONA AS OF THE DATE OF THIS HEARING AND AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; AND THAT IT/THEY BE REVOKED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE, AND PROVIDES PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT/FISH IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST BRANDON PEARCE TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF TWO (2) GILA MONSTERS; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chairman Davis questioned the use of the word "current" because it would allow Mr. Pearce to renew his license once his current license expired.

The Commission was in consensus.

Motion Restated: Zieler moved and Madden seconded THAT ANY LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRANDON PEARCE TO HUNT, FISH AND TRAP BE REVOKED IN THE STATE OF ARIZONA AS OF THE DATE OF THIS HEARING AND AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; AND THAT IT/THEY BE REVOKED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE, AND PROVIDES PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT/FISH IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST BRANDON PEARCE TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF TWO (2) GILA MONSTERS; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Daniel C. Cervantes
Docket # 2016-0058

Cervantes was found guilty by the Graham County Justice Court for Count A: Take mule deer in closed season; and sentenced: Fined \$384.00.

Cervantes was not present, but sent a letter, which was provided to the Commission prior to this hearing.

Chairman Davis confirmed with Mr. Elms that in this case, a mule deer was shot before the season opened and that Mr. Cervantes was not honest with the officer.

Motion: Madden moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DANIEL CERVANTES TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST DANIEL CERVANTES TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 3X3 MULE DEER BUCK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Commissioner Ammons commented on the number of revocation cases that seem to involve inexperience and people uneducated about the laws and requested that the Department find a way to promote the Hunter Education Course in the application process.

Mr. Elms stated that he will get with the Department's Information Systems Branch about Commissioner Ammons' suggestion.

Deputy Director Gray will add this to the action items from this meeting.

Commissioner Madden suggested adding information on identifying species in the Hunter Education Program.

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These hearings concluded at 12:15 p.m.

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